

## LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Monday, 13th September, 1954

*The Lok Sabha met at Eleven of the  
Clock*

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

12 NOON.

### BUSINESS OF THE HOUSE

**Shri H. N. Mukerjee** (Calcutta North-East): May I rise a point of order relating to the agenda which has been supplied to us? I find that the Secretary has circulated to us, presumably under your instructions a supplementary list of business dated September 13, in which are included two items: (1) further consideration of the motion made by Shri Nanda on Saturday on the flood situation and (2) submission to the vote of the House of the motion moved by Shri T. T. Krishnamachari regarding the third amendment of the Constitution.

I find under rules 38 and 39 of the Rules of Procedure and Conduct of Business in the House of the People that outstanding matters have to be disposed of according to certain routine which, I fear, has been altered without the knowledge and consent of the House.

Rule 38 reads thus: "At the appointed hour in accordance with the Allocation of Time Order, for the completion of a particular stage of a Bill, the Speaker shall forthwith put every

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question necessary to dispose of all the outstanding matters in connection with that stage of the Bill". Rule 39 reads: "No variation in the Allocation of Time Order shall be made except on the request of the Leader of the House who shall notify orally to the House that there was general agreement for such variation, which shall be enforced by the Speaker after taking the sense of the House".

We had got an announcement in the Parliamentary Bulletin announcing the allocation of time table for the discussion of the flood situation and this was dated the 10th of September and the debate on the flood situation was allotted a time schedule of four hours. The flood debate started at 2 o'clock or perhaps one or two minutes earlier and at 6 o'clock that debate necessarily concluded. If it did not conclude, and if it was not intended to conclude that debate, I submit it was necessary for procedure and propriety that the Leader of the House should have made a request to you and should have notified, according to rule 39, orally to the House that there was general agreement for variation in the time table and after that the Chair ought to have taken the sense of the House. Nothing of the sort was done.

For instance, in regard to item No. 2 in the legislative business, namely, the Constitution (Third Amendment) Bill, you had stated—I am quoting from page 4411 of the uncorrected debates of the 11th of September—"that the discussion as settled by the Business Advisory Committee, will continue up to 1-55 p.m. Referring to the convention which I stated the other day, it being interval for lunch.

[Shri H. N. Mukerjee]

we shall not have voting at that time. Voting will have to be by a division in the lobbies. The voting will take place after the flood debate is over..." That is Sir, what you have stated.

After some time the Chairman, Shri Pataskar, had also repeated that he would take the vote on this Bill at 6 P.M. But when 6 P.M. came it appeared that the Minister for Irrigation and Power, almost in his wonted fashion, failed to complete his reply to the discussion and the result was that the flood debate was continued by a process for which I find no warrant. Under the rules of Procedure, I see the House can extend the time for the flood debate but the House was not at all asked to do so. The Leader of the House made no request; he did not make any statement to the Chair regarding the preliminary agreement among different parties regarding the extension. The matter was not put before the House as to whether or not there should be an extension of the flood debate. I, therefore, take it that discussion on the flood situation was talked out; I take it also that discussion on the Constitution (Third Amendment) Bill was talked out. I submit that in law, logic and in common sense, it is only necessary that when a debate has concluded, if a voting is intended to take place, it should take place at once; otherwise, extraneous circumstances and influences are likely to be brought to bear upon the mind of the hon. Members. The purpose of the debate is that on the conclusion of the debate when the arguments are more or less fresh in the minds of the hon. Members, they would be allowed to exercise their votes whichever way they like. I submit that the discussion both of the Constitution (Third Amendment) Bill and of the flood situation have been talked out and that it is completely out of order to include in the agenda these two items, namely: further consideration of Mr. Nanda's motion and submission to the vote of the House

Shri Krishnamachari's Bill on the amendment of the Constitution.

**Mr. Speaker:** I have heard the hon. Member and I will come to his points when the particular business is going to be taken up. Before that I will dispose of certain business which has come in the agenda in priority.

#### MOTION FOR ADJOURNMENT

##### FIRING OF TEAR-GAS SHELLS IN CALCUTTA ON ANTI-COW SLAUGHTER DEMONSTRATORS

**Mr. Speaker:** I have received notice of an adjournment motion by Shri Nand Lal Sharma and Shri N. C. Chatterjee on "the indiscriminate lathi charge and firing of tear-gas shells on the non-violent anti-cow slaughter demonstrators by the Police at Calcutta on the 10th of September, 1954, resulting in the death of one person and injury to several others and arrest of large number of prominent citizens of India". I have told this House over and over again that matters which are entirely within the jurisdiction of the State Government cannot be the subject matter of any adjournment motion here. I fail to see as to how this adjournment motion can be talked or discussed in this House. This House has no jurisdiction over the law and order position in West Bengal and obviously I cannot consent to this adjournment motion.

**Shri Nand Lal Sharma (Sikar)** rose—

**Mr. Speaker:** It requires no argument; that is final.....

**Shri Nand Lal Sharma:** The same thing is going on in Delhi and Bombay.

**Mr. Speaker:** The motion does not make any reference to Delhi or Bombay. Even if it is Delhi or Bombay—I cannot say anything about Delhi—I may point out that Bombay too is a State .....